

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**DRAKE E. EDWARDS,**

:

**Plaintiff,**

:

**Case No. 3:08-cv-075**

**-vs-**

:

**District Judge Walter H. Rice  
Chief Magistrate Judge Michael R. Merz**

:

**DAYTON VETERANS MEDICAL  
CENTER, et al.,**

:

**Defendants.**

:

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #3), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on April 15, 2008, hereby ADOPTS said Report and Recommendations.

Accordingly, the Complaint as to Officer Albeman is DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief can be granted. The Clerk shall enter judgment accordingly.

April 18, 2008.



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Walter H. Rice  
United States District Judge